

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.112 of 2016

Arising Out of PS.Case No. -73 Year- 2015 Thana -BENA District- NALANDA (BIHARSHARIFF)

1. Ashish Kumar @ Raj Son of Ajeet Kumar, Resident of Village Kakhra,
Police Station - Noorsarai, District - Nalanda, at Present Sathopur
Sarvodaya Nagar, Police Station Deep Nagar, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Pradip Nr. Kumar (App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

3 05-02-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State as well as learned
counsel appearing on behalf of the informant.

The petitioner is in custody since 05.08.2015 in connection
with a case registered the offences punishable under Sections 376,
120(B) of the Indian Penal Code and Section 4, 8 and 12 of the
POSCO Act.

Submission advanced on behalf of the petitioner that the
petitioner has been falsely implicated as there was love affairs
between the victim girl and this petitioner and the girl had
married.

Learned counsel for the informant however, submits that it
is not a case of love affairs rather the girl had been lured by the
petitioner and one Kunal Kumar who had taken her on the

assurance of getting her job but thereafter they took her to Bihar Sharif where she was subjected to rape and the two accused persons also made photo clips which were being used to blackmail her.

Learned counsel for the State after perusing the case diary submits that statement of the victim girl under Section 164 Cr. P.C. also confirms that she had been subjected to rape and the petitioner was squarely responsible for the same.

Considering the aforementioned facts and circumstances, the nature of allegation and the statement of the victim girl under Section 164 of the Cr. P.C. coupled with other evidences in the case diary, I am not inclined to grant the petitioner bail in connection with Ben P.S. Case No. 73 of 2015. It is accordingly rejected.

(Anjana Mishra, J)

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